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GOOGLE LLC

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15
16 *In re Google Generative AI Copyright*
17 *Litigation*

Master File Case No.: 5:23-cv-03440-EKL
Consolidated with Case No.: 5:24-cv-02531-EKL

18 **GOOGLE’S OPPOSITION TO**
19 **PLAINTIFFS’ ADMINISTRATIVE**
20 **MOTION FOR LEAVE TO FILE**
21 **SUPPLEMENTAL AUTHORITY**

22 Judge: Hon. Eumi K. Lee
Magistrate Judge: Susan van Keulen

1 Defendant Google LLC (“Google”) opposes Plaintiffs’ Administrative Motion for Leave
 2 to File Supplemental Authority (ECF No. 269). Plaintiffs failed to comply with the meet-and-
 3 confer requirements of Local Rule 7-11 and this Court’s Standing Order, and the attached article
 4 is not proper “authority.”

5 ***1. Plaintiffs Violated Local Rule 7-11 and the Court’s Standing Order.*** Local Rule 7-
 6 11(a) requires an administrative motion to include “either a stipulation under Civil L.R. 7-12 or ...
 7 a declaration that explains why a stipulation could not be obtained.” This Court’s Civil Standing
 8 Order likewise mandates that at least seven days “before filing any motion, the moving party must
 9 meet and confer with the opposing party” and in the notice of motion “must certify that this meet-
 10 and-confer requirement has been satisfied.” Standing Order § VIII.A. The Court “may strike” a
 11 motion that lacks “such a certification.” *Id.* Plaintiffs met none of these requirements. They never
 12 offered to meet and confer, never sought a stipulation, and did not file the required declaration or
 13 certification. The motion appeared on ECF without any notice to Defendants. That is grounds
 14 enough for denying it.

15 ***2. The Submitted Article Is Not “Supplemental Authority.”*** The academic working paper
 16 Plaintiffs submit as “supplemental authority” is not a judicial opinion, statute, or rule—and thus
 17 not “authority.” While Civil L.R. 7-11 doesn’t define “authority,” courts routinely use the term to
 18 mean ***legal*** authorities decided after briefing. *See Trans-Sterling, Inc. v. Bible*, 804 F.2d 525, 528
 19 (9th Cir. 1986) (Rule 28(j) “permits a party to bring new *authorities* to the attention of the court;
 20 it is not designed to bring new evidence through the back door”); *Manley v. Rowley*, 847 F.3d 705,
 21 710 n.2 (9th Cir. 2017) (striking letter that offered “no new authorities” and instead sought to
 22 supplement the record); *Junkersfeld v. Per Diem Staffing Sys., Inc.*, 2019 WL 2247768, at *1 (N.D.
 23 Cal. May 24, 2019) (declining to consider “proposed rule” submitted as supplemental authority
 24 because it was “not binding nor persuasive”). Plaintiffs’ Exhibit A is an academic article—
 25 commentary, not law and not properly submitted.

Respectfully submitted,

Dated: October 27, 2025

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